

12-Person Jury

Return Date: No return date scheduled  
Hearing Date: No hearing scheduled  
Courtroom Number: No hearing scheduled  
Location: No hearing scheduled

FILED  
12/30/2019 2:11 PM  
DOROTHY BROWN  
CIRCUIT CLERK  
COOK COUNTY, IL  
2019L014331

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

JANICE L. SCHIMMEL,

Plaintiff,

v.

DANIEL J. CARPENTER and  
DAN CARPENTER TRUCKING, LLC,

Defendants.

No.:

***Plaintiff Demands Trial By Jury***

7886531

**COMPLAINT AT LAW**

**COUNT I**

**NEGLIGENCE – DANIEL J. CARPENTER**

Plaintiff, JANICE L. SCHIMMEL, through her attorneys, KRZAK ♦ RUNDIO LAW GROUP, LLC, complaining of Defendant, DANIEL J. CARPENTER, alleges as follows:

1. On January 2, 2018, and at all times relevant hereto, Defendant, DAN CARPENTER TRUCKING, LLC, conducted business in the County of Cook, State of Illinois.
2. On January 2, 2018, and at all times relevant hereto, Defendant, DAN CARPENTER TRUCKING, LLC, was owned by Defendant, DAN CARPENTER.
3. On January 2, 2018, and at all times relevant hereto, Defendant, DAN CARPENTER TRUCKING, LLC, was managed and/or controlled by Defendant, DANIEL J. CARPENTER.
4. On and before January 2, 2018, Defendants, DANIEL J. CARPENTER and DAN CARPENTER TRUCKING, LLC, owned a certain 2002 Kenworth Truck Semi-Tractor Trailer Truck with VIN ending in 4949 (the "Truck").



5. On January 2, 2018, Defendant, DANIEL J. CARPENTER, operated the Truck in a generally westbound direction at or near I-90 W near mile marker 58 in Hanover Township, County of Cook, State of Illinois.

6. On January 2, 2018, Plaintiff, JANICE L. SCHIMMEL, operated a motor vehicle in a generally westbound direction on I-90 W near mile marker 58 in Hanover Township, County of Cook, State of Illinois.

7. On and before January 2, 2018, and at all times relevant hereto, Defendant, DANIEL J. CARPENTER, was a duly authorized employee and/or agent of Defendant, DAN CARPENTER TRUCKING, LLC, acting within the scope of his agency and/or employment.

8. On January 2, 2018, the Truck being operated by Defendant, DANIEL J. CARPENTER, came into contact with the vehicle operated by Plaintiff, JANICE L. SCHIMMEL.

9. On January 2, 2018, Defendant, DANIEL J. CARPENTER, owed a duty to exercise reasonable care in the operation of his motor vehicle to avoid coming into contact with other vehicles on the roadway, including but not limited to Plaintiff, JANICE L. SCHIMMEL's, vehicle.

10. On January 2, 2018, at the place aforesaid, Defendant, DANIEL J. CARPENTER, was negligent in one or more of the following respects:

- a. Failed to keep and maintain a proper lookout;
- b. Failed to decrease speed so as to avoid hitting another vehicle, in violation of the provisions of 625 ILCS 5/11-601;
- c. Failed to give audible warning with the horn when such warning was reasonably necessary to ensure safe operation of the roadway in violation of 625 ILCS 5/12-601;
- d. Disobeyed traffic control devices directing traffic to use designated lanes in violation of 625 ILCS 5/11-709(c); and

- e. Proceeded at a speed which was greater than reasonable and proper with regard to traffic conditions and the use of the highway, or which endangered the safety of persons or property in violation of 625 ILCS 5/11-601(a).

11. As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of Defendant, DANIEL J. CARPENTER, Plaintiff, JANICE L. SCHIMMEL, sustained injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, JANICE L. SCHIMMEL, prays that judgment be entered in her favor and against Defendant, DANIEL J. CARPENTER, in an amount in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, Illinois, plus the costs of this lawsuit.

## **COUNT II**

### **NEGLIGENCE – DAN CARPENTER TRUCKING, LLC**

Plaintiff, JANICE L. SCHIMMEL, through her attorneys, KRZAK ♦ RUNDIO LAW GROUP LLC, complaining of Defendant, DAN CARPENTER TRUCKING, LLC, alleges as follows:

1. On January 2, 2018, and at all times relevant hereto, Defendant, DAN CARPENTER TRUCKING, LLC, conducted business in the County of Cook, State of Illinois.
2. On January 2, 2018, and at all times relevant hereto, Defendant, DAN CARPENTER TRUCKING, LLC, was owned by Defendant, DANIEL J. CARPENTER.
3. On January 2, 2018, and at all times relevant hereto, Defendant, DAN CARPENTER TRUCKING, LLC, was managed and/or controlled by Defendant, DANIEL J. CARPENTER.

4. On and before January 2, 2018, Defendants, DANIEL J. CARPENTER and DAN CARPENTER TRUCKING, LLC, owned a certain 2002 Kenworth Truck Semi-Tractor Trailer Truck with VIN ending in 4949 (the “Truck”).

5. On January 2, 2018, Defendant, DANIEL J. CARPENTER, operated the Truck in a generally westbound direction at or near I-90 W near mile marker 58 in Hanover Township, County of Cook, State of Illinois.

6. On January 2, 2018, Plaintiff, JANICE L. SCHIMMEL, operated a motor vehicle in a generally westbound direction on I-90 W near mile marker 58 in Hanover Township, County of Cook, State of Illinois.

7. On and before January 2, 2018, and at all times relevant hereto, Defendant, DANIEL J. CARPENTER, was a duly authorized employee and/or agent of Defendant, DAN CARPENTER TRUCKING, LLC, acting within the scope of his agency and/or employment.

8. On January 2, 2018, the Truck being operated by Defendant, DANIEL J. CARPENTER, came into contact with the vehicle operated by Plaintiff, JANICE L. SCHIMMEL.

9. On January 2, 2018, and at all times relevant hereto, Defendant, DAN CARPENTER TRUCKING, LLC, by and through its duly authorized employee and/or agent, Defendant, DANIEL J. CARPENTER, owed a duty to exercise reasonable care in the operation of its motor vehicle to avoid coming into contact with other vehicles on the roadway, including but not limited to Plaintiff, JANICE L. SCHIMMEL’s, vehicle.

10. On January 2, 2018, at the place aforesaid, Defendant, DAN CARPENTER TRUCKING, LLC, by and through its duly authorized employee and/or agent, Defendant, DANIEL J. CARPENTER, was negligent in one or more of the following respects:

a. Failed to keep and maintain a proper lookout;

- b. Failed to decrease speed so as to avoid hitting another vehicle, in violation of the provisions of 625 ILCS 5/11-601;
- c. Failed to give audible warning with the horn when such warning was reasonably necessary to ensure safe operation of the roadway in violation of 625 ILCS 5/12-601;
- d. Disobeyed traffic control devices directing traffic to use designated lanes in violation of 625 ILCS 5/11-709(c);
- e. Proceeded at a speed which was greater than reasonable and proper with regard to traffic conditions and the use of the highway, or which endangered the safety of persons or property in violation of 625 ILCS 5/11-601(a); and
- f. Failed to properly train, monitor, and/or supervise its employees, drivers, and or agents.

11. As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of Defendant, DAN CARPENTER TRUCKING, LLC, by and through its duly authorized employee and/or agent, Defendant, DANIEL J. CARPENTER, Plaintiff, JANICE L. SCHIMMEL, sustained injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, JANICE L. SCHIMMEL, prays that judgment be entered in her favor and against Defendant, DAN CARPENTER TRUCKING, LLC, in an amount in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, Illinois, plus the costs of this lawsuit.

  
Attorney for Plaintiff

Matthew M. Rundio  
Terence P. Naughton  
KRZAK • RUNDIO LAW GROUP, LLC  
30 N. LaSalle St., Suite 4020  
Chicago, IL 60602  
(312) 736-1111  
Firm I.D.: 62497  
Matt@KRLawGroup.com  
Terry@KRLawGroup.com



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

FILED  
12/30/2019 2:11 PM  
DOROTHY BROWN  
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2019L014331

JANICE L. SCHIMMEL,

Plaintiff,

v.

DANIEL J. CARPENTER and  
DAN CARPENTER TRUCKING, LLC,

Defendants.

No.:

7886531

**AFFIDAVIT**

I, Matthew M. Rundio, attorney for Plaintiff, JANICE L. SCHIMMEL, states under oath:

1. I am the attorney for Plaintiff in this matter.
2. The total money damages sought by Plaintiff exceed \$50,000.00, exclusive of interests and costs.

  
\_\_\_\_\_  
Attorney for Plaintiff

Matthew M. Rundio  
Terence P. Naughton  
KRZAK ♦ RUNDIO LAW GROUP, LLC  
30 N. LaSalle St., Suite 4020  
Chicago, IL 60602  
(312) 736-1111  
Firm I.D.: 62497  
Matt@KRLawGroup.com  
Terry@KRLawGroup.com

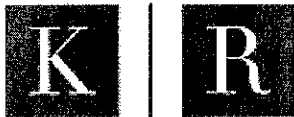
## Mark Poulakidas

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**From:** Terence P. Naughton <terry@krlawgroup.com>  
**Sent:** Wednesday, January 22, 2020 11:00 AM  
**To:** Mark Poulakidas  
**Subject:** RE: Schimmel v. Carpenter et al.  
**Attachments:** 2019.12.30 CAL & Jury Demand FILED.pdf

Mark-

Any word on below? I have enclosed a copy of the Complaint. Thanks Terry



KRZAK • RUNDIO  
LAW GROUP, LLC

Terence P. Naughton  
KRZAK RUNDIO LAW GROUP, LLC  
30 N. LaSalle St.  
Suite 4020  
Chicago, IL 60602  
(312) 736-1111  
Cell: (312) 771-9901  
Fax: (312) 736-1112  
[Terry@KRLawGroup.com](mailto:Terry@KRLawGroup.com)  
[www.KRLawGroup.com](http://www.KRLawGroup.com)

---

**From:** Terence P. Naughton  
**Sent:** Friday, January 17, 2020 9:32 AM  
**To:** mpoulakidas@hskolaw.com  
**Subject:** Schimmel v. Carpenter et al.

Mark-

I think you are working on this one per Adjuster Jeff Moore who provided me with your contact. Jeff stated that you are authorized to accept service on behalf of Mr. Carpenter and his company. Can you please confirm that is the case and we can get this case moving. Thanks Terry



KRZAK • RUNDIO  
LAW GROUP, LLC

Terence P. Naughton  
KRZAK RUNDIO LAW GROUP, LLC  
30 N. LaSalle St.  
Suite 4020





Chicago, IL 60602  
(312) 736-1111  
Cell: (312) 771-9901  
Fax: (312) 736-1112  
[Terry@KRLawGroup.com](mailto:Terry@KRLawGroup.com)  
[www.KRLawGroup.com](http://www.KRLawGroup.com)

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## Mark Poulakidas

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**From:** Terence P. Naughton <terry@krlawgroup.com>  
**Sent:** Tuesday, February 11, 2020 2:52 PM  
**To:** Mark Poulakidas  
**Subject:** FW: Schimmel v. Carpenter et al. [3968.mgp]  
**Attachments:** 2020.02.11.Alias.Summons to Def. Dan Carpenter Trucking, LLC.ISSUED.pdf;  
2020.02.11.Alias.Summons to Def. Daniel J. Carpenter.ISSUED.pdf; 2019.12.30 CAL &  
Jury Demand FILED.pdf; 2019.12.30 50K Affidavit FILED.pdf

Mark-

Please find enclosed the Complaint and Jury Demand and summonses now that you have agreed to accept service on behalf of your clients. Thanks again. Terry



KRZAK RUNDIO  
LAW GROUP, LLC

Terence P. Naughton  
KRZAK RUNDIO LAW GROUP, LLC  
30 N. LaSalle St.  
Suite 4020  
Chicago, IL 60602  
(312) 736-1111  
Cell: (312) 771-9901  
Fax: (312) 736-1112  
[Terry@KRLawGroup.com](mailto:Terry@KRLawGroup.com)  
[www.KRLawGroup.com](http://www.KRLawGroup.com)

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2120 - Served  
2220 - Not Served  
2320 - Served By Mail  
2420 - Served By Publication  
Summons - Alias Summons

2121 - Served  
2221 - Not Served  
2321 - Served By Mail  
2421 - Served By Publication

(08/01/18) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

JANICE L. SCHIMMEL,

(Name all parties)

DANIEL J. CARPENTER<sup>v.</sup> and  
DAN CARPENTER TRUCKING, LLC,

Case No. 2019 L 014331

☐ SUMMONS ☒ ALIAS SUMMONS

To each Defendant: Daniel J. Carpenter, N5381 State Hwy 54, Black River Falls, WI 54615-5922

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance and pay the required fee **within thirty (30) days after service of this Summons**, not counting the day of service. To file your answer or appearance you need access to the internet. Please visit [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org) to initiate this process. Kiosks with internet access are available at all Clerk's Office locations. Please refer to the last page of this document for location information.

**If you fail to do so, a judgment by default may be entered against you for the relief requested in the complaint.**

To the Officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than thirty (30) days after its date.

Dorothy Brown, Clerk of the Circuit Court of Cook County, Illinois  
[cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org)

Summons - Alias Summons

(08/01/18) CCG 0001 B

E-filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAQ/gethelp.asp>, or talk with your local circuit clerk's office.

Atty. No.: 62497  
Atty Name: Krzak Rundio Law Group, LLC  
Atty. for: Plaintiff  
Address: 30 N. LaSalle Street, Suite 4020  
City: Chicago  
State: IL Zip: 60602  
Telephone: (312) 736-1111  
Primary Email: Matt@KRLawGroup.com

Witness: 11th day of February, 2020



DOROTHY BROWN Clerk of Court

Date of Service: \_\_\_\_\_  
(To be inserted by officer on copy left with  
Defendant or other person):

## CLERK OF THE CIRCUIT COURT OF COOK COUNTY OFFICE LOCATIONS

- Richard J Daley Center  
50 W Washington  
Chicago, IL 60602
  - District 2 - Skokie  
5600 Old Orchard Rd  
Skokie, IL 60077
  - District 3 - Rolling Meadows  
2121 Euclid  
Rolling Meadows, IL 60008
  - District 4 - Maywood  
1500 Maybrook Ave  
Maywood, IL 60153
  - District 5 - Bridgeview  
10220 S 76th Ave  
Bridgeview, IL 60455
  - District 6 - Markham  
16501 S Kedzie Pkwy  
Markham, IL 60428
  - Domestic Violence Court  
555 W Harrison  
Chicago, IL 60607
  - Juvenile Center Building  
2245 W Ogden Ave, Rm 13  
Chicago, IL 60602
  - Criminal Court Building  
2650 S California Ave, Rm 526  
Chicago, IL 60608
  - Domestic Relations Division  
Richard J Daley Center  
50 W Washington, Rm 802  
Chicago, IL 60602  
Hours: 8:30 am - 4:30 pm
  - Civil Appeals  
Richard J Daley Center  
50 W Washington, Rm 801  
Chicago, IL 60602  
Hours: 8:30 am - 4:30 pm
  - Criminal Department  
Richard J Daley Center  
50 W Washington, Rm 1006  
Chicago, IL 60602  
Hours: 8:30 am - 4:30 pm
  - County Division  
Richard J Daley Center  
50 W Washington, Rm 1202  
Chicago, IL 60602  
Hours: 8:30 am - 4:30 pm
  - Probate Division  
Richard J Daley Center  
50 W Washington, Rm 1202  
Chicago, IL 60602  
Hours: 8:30 am - 4:30 pm
  - Law Division  
Richard J Daley Center  
50 W Washington, Rm 801  
Chicago, IL 60602  
Hours: 8:30 am - 4:30 pm
  - Traffic Division  
Richard J Daley Center  
50 W Washington, Lower Level  
Chicago, IL 60602  
Hours: 8:30 am - 4:30 pm
- Daley Center Divisions/Departments**
- Civil Division  
Richard J Daley Center  
50 W Washington, Rm 601  
Chicago, IL 60602  
Hours: 8:30 am - 4:30 pm
  - Chancery Division  
Richard J Daley Center  
50 W Washington, Rm 802  
Chicago, IL 60602  
Hours: 8:30 am - 4:30 pm

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(08/01/18) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

JANICE L. SCHIMMEL,

(Name all parties)

DANIEL J. CARPENTER<sup>v.</sup> and  
DAN CARPENTER TRUCKING, LLC,

Case No. 2019 L 014331

☐ SUMMONS ☒ ALIAS SUMMONS

To each Defendant: Dan Carpenter Trucking, LLC  
R/A: Daniel Carpenter, N5381 State Hwy 54, Black River Falls, WI 54615-5922

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance and pay the required fee **within thirty (30) days after service of this Summons**, not counting the day of service. To file your answer or appearance you need access to the internet. Please visit [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org) to initiate this process. Kiosks with internet access are available at all Clerk's Office locations. Please refer to the last page of this document for location information.

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**Summons - Alias Summons**

(08/01/18) CCG 0001 B

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Atty. No.: 62497  
Atty Name: Krzak Rundio Law Group, LLC  
Atty. for: Plaintiff  
Address: 30 N. LaSalle Street, Suite 4020  
City: Chicago  
State: IL Zip: 60602  
Telephone: (312) 736-1111  
Primary Email: Matt@KRLawGroup.com

Witness 11th day of February, 2020



DOROTHY BROWN, Clerk of Court

Date of Service: \_\_\_\_\_  
(To be inserted by officer on copy left with  
Defendant or other person):

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- District 6 - Markham  
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Chicago, IL 60602  
Hours: 8:30 am - 4:30 pm
- Traffic Division  
Richard J Daley Center  
50 W Washington, Lower Level  
Chicago, IL 60602  
Hours: 8:30 am - 4:30 pm



3968.mgp

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**JANICE L. SCHIMMEL,**

Plaintiff,

**VS.**

Case No.

**DANIEL J. CARPENTER and  
DAN CARPENTER TRUCKING, LLC,**

**Defendants.**

**AFFIDAVIT OF DANIEL CARPENTER**

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters herein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

1. I am named as a defendant in a Complaint at Law filed by plaintiff Janice L. Schimmel arising from a motor vehicle accident which took place on January 2, 2018. I have reviewed plaintiff's Complaint and I am familiar with the allegations contained therein.

2. Since before January 2, 2018 to the present, I have been the sole member and registered agent of defendant Dan Carpenter Trucking, LLC. This business is a Wisconsin LLC.

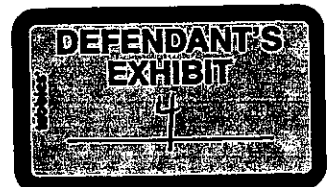
3. As of the January 2, 2018 accident date, I resided at N5722 State Highway 54, Black River Falls, Wisconsin 54615. After the accident, I moved my residence to N5381 State Highway 54, Black River Falls, Wisconsin 54615, and I have resided there continuously since. I do not have any plans to move my residence and I intend to reside at this address indefinitely. I consider myself to be a resident of and domiciled in the State of Wisconsin.

4. At all times relevant, Dan Carpenter Trucking, LLC has maintained its headquarters, principal place of business, and registered agent office at my home: first at N5722 State Highway 54, Black River Falls, Wisconsin 54615, and now at N5381 State Highway 54, Black River Falls, Wisconsin 54615.

**Further Affiant Sayeth Not.**

Daniel Carpenter

  
Daniel Carpenter



3968.mgp

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JANICE L. SCHIMMEL,

Plaintiff,

vs.

Case No.

DANIEL J. CARPENTER and  
DAN CARPENTER TRUCKING, LLC,

Defendants.

**AFFIDAVIT OF COREY FERTEL**

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters herein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

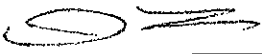
1. I am a licensed private investigator in the State of Illinois and have been so licensed since 1998. I am over the age of 18 years old and I am not a party to the above-captioned litigation. As part of my daily job duties, I investigate and determine correct addresses of individuals and corporate entities, serve process in civil lawsuits, and provide affidavits of service for filing in federal and state courts.

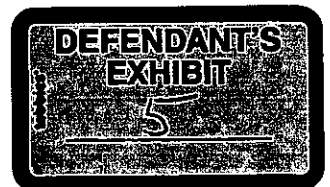
2. I have investigated the residential addresses of plaintiff Janice L. Schimmel.

3. Based upon my investigation, I believe Janice L. Schimmel's current home address is 12204 Arlington Drive, Huntley, Illinois 60142. Further, I believe Janice L. Schimmel has resided at this home address continuously since before January 2, 2018 to the present. My investigation included searches of public records and utility records.

4. I have also exhausted all resources for locating any alternative residential addresses for Janice L. Schimmel. The following resources were exhausted: Aircraft ownership, Bankruptcies, Judgments & Liens, Domain Registrations, Government Employee Loans or Contracts, Merchant Vessels, National Property Ownership, Phone Directory, Pilot's License, Inmate Search, Social Security Death Index, Driver's License Search, and Professional License Search.

Further Affiant Sayeth Not.

  
Corey Fertel



UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JANICE L. SCHIMMEL,

Plaintiff,

vs.

DANIEL J. CARPENTER and  
DAN CARPENTER TRUCKING, LLC,

Defendants.

Case No.

**AFFIDAVIT OF MARK G. POULAKIDAS**

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters herein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

1. I am an attorney licensed to practice in the State of Illinois. I am lead counsel for defendants in the above-captioned action.

2. I have reviewed a Consolidated Statement of Benefits dated February 12, 2020 and received from plaintiff Janice L. Schimmel's health insurer. I understand that this Statement itemizes various medical claims the health insurer has processed regarding plaintiff's alleged injuries.

3. According to this Statement, the billed medical charges total approximately \$29,600. The most recent date of service listed in this Statement is from November 2018. Therefore, I do not know whether this Statement includes all medical bills plaintiff is expected to claim in this suit or if there are additional amounts.

4. Based upon the available damages information, including the allegations in plaintiff's Complaint at Law and the corresponding Illinois S.Ct. Rule 222 Affidavit on damages executed by one of her attorneys, I believe there is a reasonable probability that the amount in controversy in this action exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

Further Affiant Sayeth Not.

  
Mark G. Poulakidas

